IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929

WP(C).No. 16730 of 2007(N)

PETITIONER:

ANTAPPAN, AGED 42,
S/O. LATE C.V. AUGUSTINE,
CHALUTHARA HOUSE, AMBALAPUZHA P.O.,
ALAPPUZHA.

BY ADV. SRI.PRAKASH P.GEORGE
SRI.B.PREMNATH

RESPONDENTS:

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1. CO-OPERATIVE APPELLATE TRIBUNAL,
THIRUVANANTHAPURAM.

2. MR. N. SIVASANKARAN UNNI,
ARBITRATOR/CO-OPERATIVE ASSISTANT REGISTRAR,
OFFICE OF THE ASSISTANT REGISTRAR OF
CO-OPERATIVE SOCIETIES, ALAPPUZHA.

3. ALAPPUZHA DISTRICT CO-OPERATIVE BANK LIMITED
NO. 4310 REPRESENTED BY ITS GENERAL MANAGER,
ALAPPUZHA.

4. SPECIAL SALE OFFICER,
ALAPPUZHA DISTRICT CO-OPERATIVE BANK LIMITED,
ALAPPUZHA-1.

BY ADV. SRI. V.G. ARUM.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.16730 of 2007

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Dated this the 1st day of June, 2007

JUDGMENT

The prayer in the writ petition is to direct the first respondent to consider and pass orders on Ext.P4 stay petition in the light of the payments made by the petitioner as per Ext.P2 series. According to the petitioner, petitioner's father availed a loan and an award was passed. Subsequently he passed away. As petitioner was not served with copy of the award, he filed writ petition for getting certified copy of the award. This court directed the petitioner to pay an amount of Rs.40,000/- each for four months for staying the sale pursuant to the award and he remitted Rs.1,60,000/- and preferred Ext.P3 appeal and Ext.P4 stay petition. It is the case of the petitioner that he sought orders on Ext.P4 stay petition. But no orders have been passed and the fourth respondent is taking steps to recover the amount and to conduct sale.

2. I heard counsel for the third respondent also. It is not necessary to issue notice to respondents 1, 2 and 4 in the nature of the

order I propose to pass.

The writ petition is disposed of directing the first respondent to take up Ext.P4 application for stay and pass appropriate orders in accordance with law after hearing the petitioner and the third respondent within a period of six weeks from the date of receipt of a copy of this judgment.

(K.M. JOSEPH, JUDGE)

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